

As Passed by the Senate

**125th General Assembly
Regular Session
2003-2004**

Sub. S. B. No. 185

**Senators Jordan, Robert Gardner, Dann, Schuler, Wachtmann, Brady,
Padgett, Harris, Spada, Stivers**

A B I L L

To amend sections 2111.06, 2151.23, 2151.27, 1
2152.021, 3109.04, 3109.27, 3109.29, and 3109.37, 2
to amend, for the purpose of adopting new section 3
numbers as indicated in parentheses, sections 4
3109.27 (3127.23), 3109.29 (3127.24), and 3109.37 5
(3127.06), to enact sections 3127.01 to 3127.05, 6
3127.07 to 3127.11, 3127.15 to 3127.22, 3127.31 to 7
3127.47, 3127.51, 3127.52, and 3127.53, and to 8
repeal sections 3109.21, 3109.22, 3109.23, 9
3109.24, 3109.25, 3109.26, 3109.28, 3109.30, 10
3109.31, 3109.32, 3109.33, 3109.34, 3109.35, and 11
3109.36 of the Revised Code to repeal the Uniform 12
Child Custody Jurisdiction Act and replace it with 13
the Uniform Child Custody Jurisdiction and 14
Enforcement Act. 15

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2111.06, 2151.23, 2151.27, 2152.021, 16
3109.04, 3109.27, 3109.29, and 3109.37 be amended, sections 17
3109.27 (3127.23), 3109.29 (3127.24), and 3109.37 (3127.06) be 18
amended for the purpose of adopting new section numbers as 19
indicated in parentheses, and sections 3127.01, 3127.02, 3127.03, 20

3127.04, 3127.05, 3127.07, 3127.08, 3127.09, 3127.10, 3127.11, 21
3127.15, 3127.16, 3127.17, 3127.18, 3127.19, 3127.20, 3127.21, 22
3127.22, 3127.31, 3127.32, 3127.33, 3127.34, 3127.35, 3127.36, 23
3127.37, 3127.38, 3127.39, 3127.40, 3127.41, 3127.42, 3127.43, 24
3127.44, 3127.45, 3127.46, 3127.47, 3127.51, 3127.52, and 3127.53 25
of the Revised Code be enacted to read as follows: 26

Sec. 2111.06. If the powers of the person appointed as 27
guardian of a minor or incompetent are not limited by the order of 28
appointment, such person shall be guardian both of the person and 29
estate of the ward. In every instance the court shall appoint the 30
same person as guardian of the person and estate of any such ward, 31
unless in the opinion of the court the interests of the ward will 32
be promoted by the appointment of different persons as guardians 33
of the person and of the estate. 34

A guardian of the person of a minor shall be appointed as to 35
a minor having neither father nor mother, or whose parents are 36
unsuitable persons to have the custody and tuition of such minor, 37
or whose interests, in the opinion of the court, will be promoted 38
thereby. A guardian of the person shall have the custody and 39
provide for the maintenance of the ward, and if the ward is a 40
minor, such guardian shall also provide for the education of such 41
ward. 42

Before exercising its jurisdiction to appoint a guardian of a 43
minor, the court shall comply with the jurisdictional standards of 44
sections ~~3109.21 to 3109.37~~ 3127.01 to 3127.53 of the Revised 45
Code. 46

Sec. 2151.23. (A) The juvenile court has exclusive original 47
jurisdiction under the Revised Code as follows: 48

(1) Concerning any child who on or about the date specified 49
in the complaint, indictment, or information is alleged to have 50

violated section 2151.87 of the Revised Code or an order issued 51
under that section or to be a juvenile traffic offender or a 52
delinquent, unruly, abused, neglected, or dependent child and, 53
based on and in relation to the allegation pertaining to the 54
child, concerning the parent, guardian, or other person having 55
care of a child who is alleged to be an unruly or delinquent child 56
for being an habitual or chronic truant; 57

(2) Subject to division (V) of section 2301.03 of the Revised 58
Code, to determine the custody of any child not a ward of another 59
court of this state; 60

(3) To hear and determine any application for a writ of 61
habeas corpus involving the custody of a child; 62

(4) To exercise the powers and jurisdiction given the probate 63
division of the court of common pleas in Chapter 5122. of the 64
Revised Code, if the court has probable cause to believe that a 65
child otherwise within the jurisdiction of the court is a mentally 66
ill person subject to hospitalization by court order, as defined 67
in section 5122.01 of the Revised Code; 68

(5) To hear and determine all criminal cases charging adults 69
with the violation of any section of this chapter; 70

(6) To hear and determine all criminal cases in which an 71
adult is charged with a violation of division (C) of section 72
2919.21, division (B)(1) of section 2919.22, section 2919.222, 73
division (B) of section 2919.23, or section 2919.24 of the Revised 74
Code, provided the charge is not included in an indictment that 75
also charges the alleged adult offender with the commission of a 76
felony arising out of the same actions that are the basis of the 77
alleged violation of division (C) of section 2919.21, division 78
(B)(1) of section 2919.22, section 2919.222, division (B) of 79
section 2919.23, or section 2919.24 of the Revised Code; 80

(7) Under the interstate compact on juveniles in section 81

2151.56 of the Revised Code;	82
(8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being notified of the intent to take the child into custody and the reasons for taking the child into custody;	83 84 85 86
(9) To hear and determine requests for the extension of temporary custody agreements, and requests for court approval of permanent custody agreements, that are filed pursuant to section 5103.15 of the Revised Code;	87 88 89 90
(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;	91 92
(11) Subject to division (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support brought under Chapter 3115. of the Revised Code;	93 94 95 96 97 98 99
(12) Concerning an action commenced under section 121.38 of the Revised Code;	100 101
(13) To hear and determine violations of section 3321.38 of the Revised Code;	102 103
(14) To exercise jurisdiction and authority over the parent, guardian, or other person having care of a child alleged to be a delinquent child, unruly child, or juvenile traffic offender, based on and in relation to the allegation pertaining to the child;	104 105 106 107 108
(15) To conduct the hearings, and to make the determinations, adjudications, and orders authorized or required under sections 2152.82 to 2152.85 and Chapter 2950. of the Revised Code regarding	109 110 111

a child who has been adjudicated a delinquent child and to refer 112
the duties conferred upon the juvenile court judge under sections 113
2152.82 to 2152.85 and Chapter 2950. of the Revised Code to 114
magistrates appointed by the juvenile court judge in accordance 115
with Juvenile Rule 40. 116

(B) Except as provided in division (I) of section 2301.03 of 117
the Revised Code, the juvenile court has original jurisdiction 118
under the Revised Code: 119

(1) To hear and determine all cases of misdemeanors charging 120
adults with any act or omission with respect to any child, which 121
act or omission is a violation of any state law or any municipal 122
ordinance; 123

(2) To determine the paternity of any child alleged to have 124
been born out of wedlock pursuant to sections 3111.01 to 3111.18 125
of the Revised Code; 126

(3) Under the uniform interstate family support act in 127
Chapter 3115. of the Revised Code; 128

(4) To hear and determine an application for an order for the 129
support of any child, if the child is not a ward of another court 130
of this state; 131

(5) To hear and determine an action commenced under section 132
3111.28 of the Revised Code; 133

(6) To hear and determine a motion filed under section 134
3119.961 of the Revised Code; 135

(7) To enforce an order for the return of a child made under 136
the Hague Convention on the Civil Aspects of International Child 137
Abduction pursuant to section 3127.32 of the Revised Code; 138

(8) To grant any relief normally available under the laws of 139
this state to enforce a parenting determination made by a court of 140
another state and registered in accordance with section 3127.35 of 141

the Revised Code.

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(C) The juvenile court, except as to juvenile courts that are a separate division of the court of common pleas or a separate and independent juvenile court, has jurisdiction to hear, determine, and make a record of any action for divorce or legal separation that involves the custody or care of children and that is filed in the court of common pleas and certified by the court of common pleas with all the papers filed in the action to the juvenile court for trial, provided that no certification of that nature shall be made to any juvenile court unless the consent of the juvenile judge first is obtained. After a certification of that nature is made and consent is obtained, the juvenile court shall proceed as if the action originally had been begun in that court, except as to awards for spousal support or support due and unpaid at the time of certification, over which the juvenile court has no jurisdiction.

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(D) The juvenile court, except as provided in division (I) of section 2301.03 of the Revised Code, has jurisdiction to hear and determine all matters as to custody and support of children duly certified by the court of common pleas to the juvenile court after a divorce decree has been granted, including jurisdiction to modify the judgment and decree of the court of common pleas as the same relate to the custody and support of children.

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(E) The juvenile court, except as provided in division (I) of section 2301.03 of the Revised Code, has jurisdiction to hear and determine the case of any child certified to the court by any court of competent jurisdiction if the child comes within the jurisdiction of the juvenile court as defined by this section.

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(F)(1) The juvenile court shall exercise its jurisdiction in child custody matters in accordance with sections 3109.04, ~~3109.21~~ ~~to 3109.36~~ 3127.01 to 3127.53, and 5103.20 to 5103.28 of the

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Revised Code.	173
(2) The juvenile court shall exercise its jurisdiction in child support matters in accordance with section 3109.05 of the Revised Code.	174 175 176
(G) Any juvenile court that makes or modifies an order for child support shall comply with Chapters 3119., 3121., 3123., and 3125. of the Revised Code. If any person required to pay child support under an order made by a juvenile court on or after April 15, 1985, or modified on or after December 1, 1986, is found in contempt of court for failure to make support payments under the order, the court that makes the finding, in addition to any other penalty or remedy imposed, shall assess all court costs arising out of the contempt proceeding against the person and require the person to pay any reasonable attorney's fees of any adverse party, as determined by the court, that arose in relation to the act of contempt.	177 178 179 180 181 182 183 184 185 186 187 188
(H) If a child who is charged with an act that would be an offense if committed by an adult was fourteen years of age or older and under eighteen years of age at the time of the alleged act and if the case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code, the juvenile court does not have jurisdiction to hear or determine the case subsequent to the transfer. The court to which the case is transferred for criminal prosecution pursuant to that section has jurisdiction subsequent to the transfer to hear and determine the case in the same manner as if the case originally had been commenced in that court, including, but not limited to, jurisdiction to accept a plea of guilty or another plea authorized by Criminal Rule 11 or another section of the Revised Code and jurisdiction to accept a verdict and to enter a judgment of conviction pursuant to the Rules of Criminal Procedure against the child for the commission of the offense that was the basis of the	189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204

transfer of the case for criminal prosecution, whether the 205
conviction is for the same degree or a lesser degree of the 206
offense charged, for the commission of a lesser-included offense, 207
or for the commission of another offense that is different from 208
the offense charged. 209

(I) If a person under eighteen years of age allegedly commits 210
an act that would be a felony if committed by an adult and if the 211
person is not taken into custody or apprehended for that act until 212
after the person attains twenty-one years of age, the juvenile 213
court does not have jurisdiction to hear or determine any portion 214
of the case charging the person with committing that act. In those 215
circumstances, divisions (A) and (B) of section 2152.12 of the 216
Revised Code do not apply regarding the act, and the case charging 217
the person with committing the act shall be a criminal prosecution 218
commenced and heard in the appropriate court having jurisdiction 219
of the offense as if the person had been eighteen years of age or 220
older when the person committed the act. All proceedings 221
pertaining to the act shall be within the jurisdiction of the 222
court having jurisdiction of the offense, and that court has all 223
the authority and duties in the case that it has in other criminal 224
cases in that court. 225

Sec. 2151.27. (A)(1) Subject to division (A)(2) of this 226
section, any person having knowledge of a child who appears to 227
have violated section 2151.87 of the Revised Code or to be a 228
juvenile traffic offender or to be an unruly, abused, neglected, 229
or dependent child may file a sworn complaint with respect to that 230
child in the juvenile court of the county in which the child has a 231
residence or legal settlement or in which the violation, 232
unruliness, abuse, neglect, or dependency allegedly occurred. If 233
an alleged abused, neglected, or dependent child is taken into 234
custody pursuant to division (D) of section 2151.31 of the Revised 235
Code or is taken into custody pursuant to division (A) of section 236

2151.31 of the Revised Code without the filing of a complaint and 237
placed into shelter care pursuant to division (C) of that section, 238
a sworn complaint shall be filed with respect to the child before 239
the end of the next day after the day on which the child was taken 240
into custody. The sworn complaint may be upon information and 241
belief, and, in addition to the allegation that the child 242
committed the violation or is an unruly, abused, neglected, or 243
dependent child, the complaint shall allege the particular facts 244
upon which the allegation that the child committed the violation 245
or is an unruly, abused, neglected, or dependent child is based. 246

(2) Any person having knowledge of a child who appears to be 247
an unruly child for being an habitual truant may file a sworn 248
complaint with respect to that child and the parent, guardian, or 249
other person having care of the child in the juvenile court of the 250
county in which the child has a residence or legal settlement or 251
in which the child is supposed to attend public school. The sworn 252
complaint may be upon information and belief and shall contain the 253
following allegations: 254

(a) That the child is an unruly child for being an habitual 255
truant and, in addition, the particular facts upon which that 256
allegation is based; 257

(b) That the parent, guardian, or other person having care of 258
the child has failed to cause the child's attendance at school in 259
violation of section 3321.38 of the Revised Code and, in addition, 260
the particular facts upon which that allegation is based. 261

(B) If a child, before arriving at the age of eighteen years, 262
allegedly commits an act for which the child may be adjudicated an 263
unruly child and if the specific complaint alleging the act is not 264
filed or a hearing on that specific complaint is not held until 265
after the child arrives at the age of eighteen years, the court 266
has jurisdiction to hear and dispose of the complaint as if the 267

complaint were filed and the hearing held before the child arrived 268
at the age of eighteen years. 269

(C) If the complainant in a case in which a child is alleged 270
to be an abused, neglected, or dependent child desires permanent 271
custody of the child or children, temporary custody of the child 272
or children, whether as the preferred or an alternative 273
disposition, or the placement of the child in a planned permanent 274
living arrangement, the complaint shall contain a prayer 275
specifically requesting permanent custody, temporary custody, or 276
the placement of the child in a planned permanent living 277
arrangement. 278

(D) Any person with standing under applicable law may file a 279
complaint for the determination of any other matter over which the 280
juvenile court is given jurisdiction by section 2151.23 of the 281
Revised Code. The complaint shall be filed in the county in which 282
the child who is the subject of the complaint is found or was last 283
known to be found. 284

(E) A public children services agency, acting pursuant to a 285
complaint or an action on a complaint filed under this section, is 286
not subject to the requirements of section ~~3109.27~~ 3127.23 of the 287
Revised Code. 288

(F) Upon the filing of a complaint alleging that a child is 289
an unruly child, the court may hold the complaint in abeyance 290
pending the child's successful completion of actions that 291
constitute a method to divert the child from the juvenile court 292
system. The method may be adopted by a county pursuant to 293
divisions (D) and (E) of section 121.37 of the Revised Code or it 294
may be another method that the court considers satisfactory. If 295
the child completes the actions to the court's satisfaction, the 296
court may dismiss the complaint. If the child fails to complete 297
the actions to the court's satisfaction, the court may consider 298
the complaint. 299

Sec. 2152.021. (A)(1) Subject to division (A)(2) of this 300
section, any person having knowledge of a child who appears to be 301
a juvenile traffic offender or to be a delinquent child may file a 302
sworn complaint with respect to that child in the juvenile court 303
of the county in which the child has a residence or legal 304
settlement or in which the traffic offense or delinquent act 305
allegedly occurred. The sworn complaint may be upon information 306
and belief, and, in addition to the allegation that the child is a 307
delinquent child or a juvenile traffic offender, the complaint 308
shall allege the particular facts upon which the allegation that 309
the child is a delinquent child or a juvenile traffic offender is 310
based. 311

If a child appears to be a delinquent child who is eligible 312
for a serious youthful offender dispositional sentence under 313
section 2152.11 of the Revised Code and if the prosecuting 314
attorney desires to seek a serious youthful offender dispositional 315
sentence under section 2152.13 of the Revised Code in regard to 316
the child, the prosecuting attorney of the county in which the 317
alleged delinquency occurs may initiate a case in the juvenile 318
court of the county by presenting the case to a grand jury for 319
indictment, by charging the child in a bill of information as a 320
serious youthful offender pursuant to section 2152.13 of the 321
Revised Code, by requesting a serious youthful offender 322
dispositional sentence in the original complaint alleging that the 323
child is a delinquent child, or by filing with the juvenile court 324
a written notice of intent to seek a serious youthful offender 325
dispositional sentence. 326

(2) Any person having knowledge of a child who appears to be 327
a delinquent child for being an habitual or chronic truant may 328
file a sworn complaint with respect to that child and the parent, 329
guardian, or other person having care of the child in the juvenile 330

court of the county in which the child has a residence or legal 331
settlement or in which the child is supposed to attend public 332
school. The sworn complaint may be upon information and belief and 333
shall contain the following allegations: 334

(a) That the child is a delinquent child for being a chronic 335
truant or an habitual truant who previously has been adjudicated 336
an unruly child for being a habitual truant and, in addition, the 337
particular facts upon which that allegation is based; 338

(b) That the parent, guardian, or other person having care of 339
the child has failed to cause the child's attendance at school in 340
violation of section 3321.38 of the Revised Code and, in addition, 341
the particular facts upon which that allegation is based. 342

(B) Any person with standing under applicable law may file a 343
complaint for the determination of any other matter over which the 344
juvenile court is given jurisdiction by section 2151.23 of the 345
Revised Code. The complaint shall be filed in the county in which 346
the child who is the subject of the complaint is found or was last 347
known to be found. 348

(C) Within ten days after the filing of a complaint or the 349
issuance of an indictment, the court shall give written notice of 350
the filing of the complaint or the issuance of an indictment and 351
of the substance of the complaint or indictment to the 352
superintendent of a city, local, exempted village, or joint 353
vocational school district if the complaint or indictment alleges 354
that a child committed an act that would be a criminal offense if 355
committed by an adult, that the child was sixteen years of age or 356
older at the time of the commission of the alleged act, and that 357
the alleged act is any of the following: 358

(1) A violation of section 2923.122 of the Revised Code that 359
relates to property owned or controlled by, or to an activity held 360
under the auspices of, the board of education of that school 361

district; 362

(2) A violation of section 2923.12 of the Revised Code, of a 363
substantially similar municipal ordinance, or of section 2925.03 364
of the Revised Code that was committed on property owned or 365
controlled by, or at an activity held under the auspices of, the 366
board of education of that school district; 367

(3) A violation of section 2925.11 of the Revised Code that 368
was committed on property owned or controlled by, or at an 369
activity held under the auspices of, the board of education of 370
that school district, other than a violation of that section that 371
would be a minor drug possession offense if committed by an adult; 372

(4) A violation of section 2903.01, 2903.02, 2903.03, 373
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised 374
Code, or a violation of former section 2907.12 of the Revised 375
Code, that was committed on property owned or controlled by, or at 376
an activity held under the auspices of, the board of education of 377
that school district, if the victim at the time of the commission 378
of the alleged act was an employee of the board of education of 379
that school district; 380

(5) Complicity in any violation described in division (C)(1), 381
(2), (3), or (4) of this section that was alleged to have been 382
committed in the manner described in division (C)(1), (2), (3), or 383
(4) of this section, regardless of whether the act of complicity 384
was committed on property owned or controlled by, or at an 385
activity held under the auspices of, the board of education of 386
that school district. 387

(D) A public children services agency, acting pursuant to a 388
complaint or an action on a complaint filed under this section, is 389
not subject to the requirements of section ~~3109.27~~ 3127.23 of the 390
Revised Code. 391

(E) For purposes of the record to be maintained by the clerk 392

under division (B) of section 2152.71 of the Revised Code, when a 393
complaint is filed that alleges that a child is a delinquent 394
child, the court shall determine if the victim of the alleged 395
delinquent act was sixty-five years of age or older or permanently 396
and totally disabled at the time of the alleged commission of the 397
act. 398

Sec. 3109.04. (A) In any divorce, legal separation, or 399
annulment proceeding and in any proceeding pertaining to the 400
allocation of parental rights and responsibilities for the care of 401
a child, upon hearing the testimony of either or both parents and 402
considering any mediation report filed pursuant to section 403
3109.052 of the Revised Code and in accordance with sections 404
~~3109.21 to 3109.36~~ 3127.01 to 3127.53 of the Revised Code, the 405
court shall allocate the parental rights and responsibilities for 406
the care of the minor children of the marriage. Subject to 407
division (D)(2) of this section, the court may allocate the 408
parental rights and responsibilities for the care of the children 409
in either of the following ways: 410

(1) If neither parent files a pleading or motion in 411
accordance with division (G) of this section, if at least one 412
parent files a pleading or motion under that division but no 413
parent who filed a pleading or motion under that division also 414
files a plan for shared parenting, or if at least one parent files 415
both a pleading or motion and a shared parenting plan under that 416
division but no plan for shared parenting is in the best interest 417
of the children, the court, in a manner consistent with the best 418
interest of the children, shall allocate the parental rights and 419
responsibilities for the care of the children primarily to one of 420
the parents, designate that parent as the residential parent and 421
the legal custodian of the child, and divide between the parents 422
the other rights and responsibilities for the care of the 423
children, including, but not limited to, the responsibility to 424

provide support for the children and the right of the parent who 425
is not the residential parent to have continuing contact with the 426
children. 427

(2) If at least one parent files a pleading or motion in 428
accordance with division (G) of this section and a plan for shared 429
parenting pursuant to that division and if a plan for shared 430
parenting is in the best interest of the children and is approved 431
by the court in accordance with division (D)(1) of this section, 432
the court may allocate the parental rights and responsibilities 433
for the care of the children to both parents and issue a shared 434
parenting order requiring the parents to share all or some of the 435
aspects of the physical and legal care of the children in 436
accordance with the approved plan for shared parenting. If the 437
court issues a shared parenting order under this division and it 438
is necessary for the purpose of receiving public assistance, the 439
court shall designate which one of the parents' residences is to 440
serve as the child's home. The child support obligations of the 441
parents under a shared parenting order issued under this division 442
shall be determined in accordance with Chapters 3119., 3121., 443
3123., and 3125. of the Revised Code. 444

(B)(1) When making the allocation of the parental rights and 445
responsibilities for the care of the children under this section 446
in an original proceeding or in any proceeding for modification of 447
a prior order of the court making the allocation, the court shall 448
take into account that which would be in the best interest of the 449
children. In determining the child's best interest for purposes of 450
making its allocation of the parental rights and responsibilities 451
for the care of the child and for purposes of resolving any issues 452
related to the making of that allocation, the court, in its 453
discretion, may and, upon the request of either party, shall 454
interview in chambers any or all of the involved children 455
regarding their wishes and concerns with respect to the 456

allocation. 457

(2) If the court interviews any child pursuant to division 458
(B)(1) of this section, all of the following apply: 459

(a) The court, in its discretion, may and, upon the motion of 460
either parent, shall appoint a guardian ad litem for the child. 461

(b) The court first shall determine the reasoning ability of 462
the child. If the court determines that the child does not have 463
sufficient reasoning ability to express the child's wishes and 464
concern with respect to the allocation of parental rights and 465
responsibilities for the care of the child, it shall not determine 466
the child's wishes and concerns with respect to the allocation. If 467
the court determines that the child has sufficient reasoning 468
ability to express the child's wishes or concerns with respect to 469
the allocation, it then shall determine whether, because of 470
special circumstances, it would not be in the best interest of the 471
child to determine the child's wishes and concerns with respect to 472
the allocation. If the court determines that, because of special 473
circumstances, it would not be in the best interest of the child 474
to determine the child's wishes and concerns with respect to the 475
allocation, it shall not determine the child's wishes and concerns 476
with respect to the allocation and shall enter its written 477
findings of fact and opinion in the journal. If the court 478
determines that it would be in the best interests of the child to 479
determine the child's wishes and concerns with respect to the 480
allocation, it shall proceed to make that determination. 481

(c) The interview shall be conducted in chambers, and no 482
person other than the child, the child's attorney, the judge, any 483
necessary court personnel, and, in the judge's discretion, the 484
attorney of each parent shall be permitted to be present in the 485
chambers during the interview. 486

(3) No person shall obtain or attempt to obtain from a child 487

a written or recorded statement or affidavit setting forth the 488
child's wishes and concerns regarding the allocation of parental 489
rights and responsibilities concerning the child. No court, in 490
determining the child's best interest for purposes of making its 491
allocation of the parental rights and responsibilities for the 492
care of the child or for purposes of resolving any issues related 493
to the making of that allocation, shall accept or consider a 494
written or recorded statement or affidavit that purports to set 495
forth the child's wishes and concerns regarding those matters. 496

(C) Prior to trial, the court may cause an investigation to 497
be made as to the character, family relations, past conduct, 498
earning ability, and financial worth of each parent and may order 499
the parents and their minor children to submit to medical, 500
psychological, and psychiatric examinations. The report of the 501
investigation and examinations shall be made available to either 502
parent or the parent's counsel of record not less than five days 503
before trial, upon written request. The report shall be signed by 504
the investigator, and the investigator shall be subject to 505
cross-examination by either parent concerning the contents of the 506
report. The court may tax as costs all or any part of the expenses 507
for each investigation. 508

If the court determines that either parent previously has 509
been convicted of or pleaded guilty to any criminal offense 510
involving any act that resulted in a child being a neglected 511
child, that either parent previously has been determined to be the 512
perpetrator of the neglectful act that is the basis of an 513
adjudication that a child is a neglected child, or that there is 514
reason to believe that either parent has acted in a manner 515
resulting in a child being a neglected child, the court shall 516
consider that fact against naming that parent the residential 517
parent and against granting a shared parenting decree. When the 518
court allocates parental rights and responsibilities for the care 519

of children or determines whether to grant shared parenting in any 520
proceeding, it shall consider whether either parent has been 521
convicted of or pleaded guilty to a violation of section 2919.25 522
of the Revised Code involving a victim who at the time of the 523
commission of the offense was a member of the family or household 524
that is the subject of the proceeding, has been convicted of or 525
pleaded guilty to any other offense involving a victim who at the 526
time of the commission of the offense was a member of the family 527
or household that is the subject of the proceeding and caused 528
physical harm to the victim in the commission of the offense, or 529
has been determined to be the perpetrator of the abusive act that 530
is the basis of an adjudication that a child is an abused child. 531
If the court determines that either parent has been convicted of 532
or pleaded guilty to a violation of section 2919.25 of the Revised 533
Code involving a victim who at the time of the commission of the 534
offense was a member of the family or household that is the 535
subject of the proceeding, has been convicted of or pleaded guilty 536
to any other offense involving a victim who at the time of the 537
commission of the offense was a member of the family or household 538
that is the subject of the proceeding and caused physical harm to 539
the victim in the commission of the offense, or has been 540
determined to be the perpetrator of the abusive act that is the 541
basis of an adjudication that a child is an abused child, it may 542
designate that parent as the residential parent and may issue a 543
shared parenting decree or order only if it determines that it is 544
in the best interest of the child to name that parent the 545
residential parent or to issue a shared parenting decree or order 546
and it makes specific written findings of fact to support its 547
determination. 548

(D)(1)(a) Upon the filing of a pleading or motion by either 549
parent or both parents, in accordance with division (G) of this 550
section, requesting shared parenting and the filing of a shared 551
parenting plan in accordance with that division, the court shall 552

comply with division (D)(1)(a)(i), (ii), or (iii) of this section, 553
whichever is applicable: 554

(i) If both parents jointly make the request in their 555
pleadings or jointly file the motion and also jointly file the 556
plan, the court shall review the parents' plan to determine if it 557
is in the best interest of the children. If the court determines 558
that the plan is in the best interest of the children, the court 559
shall approve it. If the court determines that the plan or any 560
part of the plan is not in the best interest of the children, the 561
court shall require the parents to make appropriate changes to the 562
plan to meet the court's objections to it. If changes to the plan 563
are made to meet the court's objections, and if the new plan is in 564
the best interest of the children, the court shall approve the 565
plan. If changes to the plan are not made to meet the court's 566
objections, or if the parents attempt to make changes to the plan 567
to meet the court's objections, but the court determines that the 568
new plan or any part of the new plan still is not in the best 569
interest of the children, the court may reject the portion of the 570
parents' pleadings or deny their motion requesting shared 571
parenting of the children and proceed as if the request in the 572
pleadings or the motion had not been made. The court shall not 573
approve a plan under this division unless it determines that the 574
plan is in the best interest of the children. 575

(ii) If each parent makes a request in the parent's pleadings 576
or files a motion and each also files a separate plan, the court 577
shall review each plan filed to determine if either is in the best 578
interest of the children. If the court determines that one of the 579
filed plans is in the best interest of the children, the court may 580
approve the plan. If the court determines that neither filed plan 581
is in the best interest of the children, the court may order each 582
parent to submit appropriate changes to the parent's plan or both 583
of the filed plans to meet the court's objections, or may select 584

one of the filed plans and order each parent to submit appropriate 585
changes to the selected plan to meet the court's objections. If 586
changes to the plan or plans are submitted to meet the court's 587
objections, and if any of the filed plans with the changes is in 588
the best interest of the children, the court may approve the plan 589
with the changes. If changes to the plan or plans are not 590
submitted to meet the court's objections, or if the parents submit 591
changes to the plan or plans to meet the court's objections but 592
the court determines that none of the filed plans with the 593
submitted changes is in the best interest of the children, the 594
court may reject the portion of the parents' pleadings or deny 595
their motions requesting shared parenting of the children and 596
proceed as if the requests in the pleadings or the motions had not 597
been made. If the court approves a plan under this division, 598
either as originally filed or with submitted changes, or if the 599
court rejects the portion of the parents' pleadings or denies 600
their motions requesting shared parenting under this division and 601
proceeds as if the requests in the pleadings or the motions had 602
not been made, the court shall enter in the record of the case 603
findings of fact and conclusions of law as to the reasons for the 604
approval or the rejection or denial. Division (D)(1)(b) of this 605
section applies in relation to the approval or disapproval of a 606
plan under this division. 607

(iii) If each parent makes a request in the parent's 608
pleadings or files a motion but only one parent files a plan, or 609
if only one parent makes a request in the parent's pleadings or 610
files a motion and also files a plan, the court in the best 611
interest of the children may order the other parent to file a plan 612
for shared parenting in accordance with division (G) of this 613
section. The court shall review each plan filed to determine if 614
any plan is in the best interest of the children. If the court 615
determines that one of the filed plans is in the best interest of 616
the children, the court may approve the plan. If the court 617

determines that no filed plan is in the best interest of the 618
children, the court may order each parent to submit appropriate 619
changes to the parent's plan or both of the filed plans to meet 620
the court's objections or may select one filed plan and order each 621
parent to submit appropriate changes to the selected plan to meet 622
the court's objections. If changes to the plan or plans are 623
submitted to meet the court's objections, and if any of the filed 624
plans with the changes is in the best interest of the children, 625
the court may approve the plan with the changes. If changes to the 626
plan or plans are not submitted to meet the court's objections, or 627
if the parents submit changes to the plan or plans to meet the 628
court's objections but the court determines that none of the filed 629
plans with the submitted changes is in the best interest of the 630
children, the court may reject the portion of the parents' 631
pleadings or deny the parents' motion or reject the portion of the 632
parents' pleadings or deny their motions requesting shared 633
parenting of the children and proceed as if the request or 634
requests or the motion or motions had not been made. If the court 635
approves a plan under this division, either as originally filed or 636
with submitted changes, or if the court rejects the portion of the 637
pleadings or denies the motion or motions requesting shared 638
parenting under this division and proceeds as if the request or 639
requests or the motion or motions had not been made, the court 640
shall enter in the record of the case findings of fact and 641
conclusions of law as to the reasons for the approval or the 642
rejection or denial. Division (D)(1)(b) of this section applies in 643
relation to the approval or disapproval of a plan under this 644
division. 645

(b) The approval of a plan under division (D)(1)(a)(ii) or 646
(iii) of this section is discretionary with the court. The court 647
shall not approve more than one plan under either division and 648
shall not approve a plan under either division unless it 649
determines that the plan is in the best interest of the children. 650

If the court, under either division, does not determine that any 651
filed plan or any filed plan with submitted changes is in the best 652
interest of the children, the court shall not approve any plan. 653

(c) Whenever possible, the court shall require that a shared 654
parenting plan approved under division (D)(1)(a)(i), (ii), or 655
(iii) of this section ensure the opportunity for both parents to 656
have frequent and continuing contact with the child, unless 657
frequent and continuing contact with any parent would not be in 658
the best interest of the child. 659

(d) If a court approves a shared parenting plan under 660
division (D)(1)(a)(i), (ii), or (iii) of this section, the 661
approved plan shall be incorporated into a final shared parenting 662
decree granting the parents the shared parenting of the children. 663
Any final shared parenting decree shall be issued at the same time 664
as and shall be appended to the final decree of dissolution, 665
divorce, annulment, or legal separation arising out of the action 666
out of which the question of the allocation of parental rights and 667
responsibilities for the care of the children arose. 668

No provisional shared parenting decree shall be issued in 669
relation to any shared parenting plan approved under division 670
(D)(1)(a)(i), (ii), or (iii) of this section. A final shared 671
parenting decree issued under this division has immediate effect 672
as a final decree on the date of its issuance, subject to 673
modification or termination as authorized by this section. 674

(2) If the court finds, with respect to any child under 675
eighteen years of age, that it is in the best interest of the 676
child for neither parent to be designated the residential parent 677
and legal custodian of the child, it may commit the child to a 678
relative of the child or certify a copy of its findings, together 679
with as much of the record and the further information, in 680
narrative form or otherwise, that it considers necessary or as the 681
juvenile court requests, to the juvenile court for further 682

proceedings, and, upon the certification, the juvenile court has 683
exclusive jurisdiction. 684

(E)(1)(a) The court shall not modify a prior decree 685
allocating parental rights and responsibilities for the care of 686
children unless it finds, based on facts that have arisen since 687
the prior decree or that were unknown to the court at the time of 688
the prior decree, that a change has occurred in the circumstances 689
of the child, the child's residential parent, or either of the 690
parents subject to a shared parenting decree, and that the 691
modification is necessary to serve the best interest of the child. 692
In applying these standards, the court shall retain the 693
residential parent designated by the prior decree or the prior 694
shared parenting decree, unless a modification is in the best 695
interest of the child and one of the following applies: 696

(i) The residential parent agrees to a change in the 697
residential parent or both parents under a shared parenting decree 698
agree to a change in the designation of residential parent. 699

(ii) The child, with the consent of the residential parent or 700
of both parents under a shared parenting decree, has been 701
integrated into the family of the person seeking to become the 702
residential parent. 703

(iii) The harm likely to be caused by a change of environment 704
is outweighed by the advantages of the change of environment to 705
the child. 706

(b) One or both of the parents under a prior decree 707
allocating parental rights and responsibilities for the care of 708
children that is not a shared parenting decree may file a motion 709
requesting that the prior decree be modified to give both parents 710
shared rights and responsibilities for the care of the children. 711
The motion shall include both a request for modification of the 712
prior decree and a request for a shared parenting order that 713

complies with division (G) of this section. Upon the filing of the 714
motion, if the court determines that a modification of the prior 715
decree is authorized under division (E)(1)(a) of this section, the 716
court may modify the prior decree to grant a shared parenting 717
order, provided that the court shall not modify the prior decree 718
to grant a shared parenting order unless the court complies with 719
divisions (A) and (D)(1) of this section and, in accordance with 720
those divisions, approves the submitted shared parenting plan and 721
determines that shared parenting would be in the best interest of 722
the children. 723

(2) In addition to a modification authorized under division 724
(E)(1) of this section: 725

(a) Both parents under a shared parenting decree jointly may 726
modify the terms of the plan for shared parenting approved by the 727
court and incorporated by it into the shared parenting decree. 728
Modifications under this division may be made at any time. The 729
modifications to the plan shall be filed jointly by both parents 730
with the court, and the court shall include them in the plan, 731
unless they are not in the best interest of the children. If the 732
modifications are not in the best interests of the children, the 733
court, in its discretion, may reject the modifications or make 734
modifications to the proposed modifications or the plan that are 735
in the best interest of the children. Modifications jointly 736
submitted by both parents under a shared parenting decree shall be 737
effective, either as originally filed or as modified by the court, 738
upon their inclusion by the court in the plan. Modifications to 739
the plan made by the court shall be effective upon their inclusion 740
by the court in the plan. 741

(b) The court may modify the terms of the plan for shared 742
parenting approved by the court and incorporated by it into the 743
shared parenting decree upon its own motion at any time if the 744
court determines that the modifications are in the best interest 745

of the children or upon the request of one or both of the parents 746
under the decree. Modifications under this division may be made at 747
any time. The court shall not make any modification to the plan 748
under this division, unless the modification is in the best 749
interest of the children. 750

(c) The court may terminate a prior final shared parenting 751
decree that includes a shared parenting plan approved under 752
division (D)(1)(a)(i) of this section upon the request of one or 753
both of the parents or whenever it determines that shared 754
parenting is not in the best interest of the children. The court 755
may terminate a prior final shared parenting decree that includes 756
a shared parenting plan approved under division (D)(1)(a)(ii) or 757
(iii) of this section if it determines, upon its own motion or 758
upon the request of one or both parents, that shared parenting is 759
not in the best interest of the children. If modification of the 760
terms of the plan for shared parenting approved by the court and 761
incorporated by it into the final shared parenting decree is 762
attempted under division (E)(2)(a) of this section and the court 763
rejects the modifications, it may terminate the final shared 764
parenting decree if it determines that shared parenting is not in 765
the best interest of the children. 766

(d) Upon the termination of a prior final shared parenting 767
decree under division (E)(2)(c) of this section, the court shall 768
proceed and issue a modified decree for the allocation of parental 769
rights and responsibilities for the care of the children under the 770
standards applicable under divisions (A), (B), and (C) of this 771
section as if no decree for shared parenting had been granted and 772
as if no request for shared parenting ever had been made. 773

(F)(1) In determining the best interest of a child pursuant 774
to this section, whether on an original decree allocating parental 775
rights and responsibilities for the care of children or a 776
modification of a decree allocating those rights and 777

responsibilities, the court shall consider all relevant factors, 778
including, but not limited to: 779

(a) The wishes of the child's parents regarding the child's 780
care; 781

(b) If the court has interviewed the child in chambers 782
pursuant to division (B) of this section regarding the child's 783
wishes and concerns as to the allocation of parental rights and 784
responsibilities concerning the child, the wishes and concerns of 785
the child, as expressed to the court; 786

(c) The child's interaction and interrelationship with the 787
child's parents, siblings, and any other person who may 788
significantly affect the child's best interest; 789

(d) The child's adjustment to the child's home, school, and 790
community; 791

(e) The mental and physical health of all persons involved in 792
the situation; 793

(f) The parent more likely to honor and facilitate 794
court-approved parenting time rights or visitation and 795
companionship rights; 796

(g) Whether either parent has failed to make all child 797
support payments, including all arrearages, that are required of 798
that parent pursuant to a child support order under which that 799
parent is an obligor; 800

(h) Whether either parent previously has been convicted of or 801
pleaded guilty to any criminal offense involving any act that 802
resulted in a child being an abused child or a neglected child; 803
whether either parent, in a case in which a child has been 804
adjudicated an abused child or a neglected child, previously has 805
been determined to be the perpetrator of the abusive or neglectful 806
act that is the basis of an adjudication; whether either parent 807

previously has been convicted of or pleaded guilty to a violation 808
of section 2919.25 of the Revised Code involving a victim who at 809
the time of the commission of the offense was a member of the 810
family or household that is the subject of the current proceeding; 811
whether either parent previously has been convicted of or pleaded 812
guilty to any offense involving a victim who at the time of the 813
commission of the offense was a member of the family or household 814
that is the subject of the current proceeding and caused physical 815
harm to the victim in the commission of the offense; and whether 816
there is reason to believe that either parent has acted in a 817
manner resulting in a child being an abused child or a neglected 818
child; 819

(i) Whether the residential parent or one of the parents 820
subject to a shared parenting decree has continuously and 821
willfully denied the other parent's right to parenting time in 822
accordance with an order of the court; 823

(j) Whether either parent has established a residence, or is 824
planning to establish a residence, outside this state. 825

(2) In determining whether shared parenting is in the best 826
interest of the children, the court shall consider all relevant 827
factors, including, but not limited to, the factors enumerated in 828
division (F)(1) of this section, the factors enumerated in section 829
3119.23 of the Revised Code, and all of the following factors: 830

(a) The ability of the parents to cooperate and make 831
decisions jointly, with respect to the children; 832

(b) The ability of each parent to encourage the sharing of 833
love, affection, and contact between the child and the other 834
parent; 835

(c) Any history of, or potential for, child abuse, spouse 836
abuse, other domestic violence, or parental kidnapping by either 837
parent; 838

(d) The geographic proximity of the parents to each other, as 839
the proximity relates to the practical considerations of shared 840
parenting; 841

(e) The recommendation of the guardian ad litem of the child, 842
if the child has a guardian ad litem. 843

(3) When allocating parental rights and responsibilities for 844
the care of children, the court shall not give preference to a 845
parent because of that parent's financial status or condition. 846

(G) Either parent or both parents of any children may file a 847
pleading or motion with the court requesting the court to grant 848
both parents shared parental rights and responsibilities for the 849
care of the children in a proceeding held pursuant to division (A) 850
of this section. If a pleading or motion requesting shared 851
parenting is filed, the parent or parents filing the pleading or 852
motion also shall file with the court a plan for the exercise of 853
shared parenting by both parents. If each parent files a pleading 854
or motion requesting shared parenting but only one parent files a 855
plan or if only one parent files a pleading or motion requesting 856
shared parenting and also files a plan, the other parent as 857
ordered by the court shall file with the court a plan for the 858
exercise of shared parenting by both parents. The plan for shared 859
parenting shall be filed with the petition for dissolution of 860
marriage, if the question of parental rights and responsibilities 861
for the care of the children arises out of an action for 862
dissolution of marriage, or, in other cases, at a time at least 863
thirty days prior to the hearing on the issue of the parental 864
rights and responsibilities for the care of the children. A plan 865
for shared parenting shall include provisions covering all factors 866
that are relevant to the care of the children, including, but not 867
limited to, provisions covering factors such as physical living 868
arrangements, child support obligations, provision for the 869
children's medical and dental care, school placement, and the 870

parent with which the children will be physically located during 871
legal holidays, school holidays, and other days of special 872
importance. 873

(H) If an appeal is taken from a decision of a court that 874
grants or modifies a decree allocating parental rights and 875
responsibilities for the care of children, the court of appeals 876
shall give the case calendar priority and handle it expeditiously. 877

(I) As used in this section, "abused child" has the same 878
meaning as in section 2151.031 of the Revised Code, and "neglected 879
child" has the same meaning as in section 2151.03 of the Revised 880
Code. 881

(J) As used in the Revised Code, "shared parenting" means 882
that the parents share, in the manner set forth in the plan for 883
shared parenting that is approved by the court under division 884
(D)(1) and described in division (K)(6) of this section, all or 885
some of the aspects of physical and legal care of their children. 886

(K) For purposes of the Revised Code: 887

(1) A parent who is granted the care, custody, and control of 888
a child under an order that was issued pursuant to this section 889
prior to April 11, 1991, and that does not provide for shared 890
parenting has "custody of the child" and "care, custody, and 891
control of the child" under the order, and is the "residential 892
parent," the "residential parent and legal custodian," or the 893
"custodial parent" of the child under the order. 894

(2) A parent who primarily is allocated the parental rights 895
and responsibilities for the care of a child and who is designated 896
as the residential parent and legal custodian of the child under 897
an order that is issued pursuant to this section on or after April 898
11, 1991, and that does not provide for shared parenting has 899
"custody of the child" and "care, custody, and control of the 900
child" under the order, and is the "residential parent," the 901

"residential parent and legal custodian," or the "custodial parent" of the child under the order. 902
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(3) A parent who is not granted custody of a child under an order that was issued pursuant to this section prior to April 11, 1991, and that does not provide for shared parenting is the "parent who is not the residential parent," the "parent who is not the residential parent and legal custodian," or the "noncustodial parent" of the child under the order. 904
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(4) A parent who is not primarily allocated the parental rights and responsibilities for the care of a child and who is not designated as the residential parent and legal custodian of the child under an order that is issued pursuant to this section on or after April 11, 1991, and that does not provide for shared parenting is the "parent who is not the residential parent," the "parent who is not the residential parent and legal custodian," or the "noncustodial parent" of the child under the order. 910
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(5) Unless the context clearly requires otherwise, if an order is issued by a court pursuant to this section and the order provides for shared parenting of a child, both parents have "custody of the child" or "care, custody, and control of the child" under the order, to the extent and in the manner specified in the order. 918
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(6) Unless the context clearly requires otherwise and except as otherwise provided in the order, if an order is issued by a court pursuant to this section and the order provides for shared parenting of a child, each parent, regardless of where the child is physically located or with whom the child is residing at a particular point in time, as specified in the order, is the "residential parent," the "residential parent and legal custodian," or the "custodial parent" of the child. 924
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(7) Unless the context clearly requires otherwise and except 932

as otherwise provided in the order, a designation in the order of 933
a parent as the residential parent for the purpose of determining 934
the school the child attends, as the custodial parent for purposes 935
of claiming the child as a dependent pursuant to section 152(e) of 936
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 937
1, as amended, or as the residential parent for purposes of 938
receiving public assistance pursuant to division (A)(2) of this 939
section, does not affect the designation pursuant to division 940
(K)(6) of this section of each parent as the "residential parent," 941
the "residential parent and legal custodian," or the "custodial 942
parent" of the child. 943

Sec. 3127.01. (A) As used in the Revised Code, "uniform child 944
custody jurisdiction and enforcement act" means the act addressing 945
interstate recognition and enforcement of child custody orders 946
adopted in 1997 by the national conference of commissioners on 947
uniform state laws or any law substantially similar to the act 948
adopted by another state. 949

(B) As used in sections 3127.01 to 3127.53 of the Revised 950
Code: 951

(1) "Abandoned" means the parents of a child have failed to 952
visit or maintain contact with the child for more than ninety 953
days, regardless of whether the parents resume contact with the 954
child after that ninety-day period. 955

(2) "Child" means an individual who has not attained eighteen 956
years of age. 957

(3) "Commencement" means the filing of the first pleading in 958
a proceeding. 959

(4) "Court" means an entity authorized under the law of a 960
state to establish, enforce, or modify a parenting determination. 961

(5) "Home state" means the state in which a child lived with 962

a parent or a person acting as a parent for at least six 963
consecutive months immediately preceding the commencement of a 964
parenting proceeding and, if a child is less than six months old, 965
the state in which the child lived from birth with any of them. A 966
period of temporary absence of any of them is counted as part of 967
the six-month or other period. 968

(6) "Initial determination" means the first parenting 969
determination concerning a particular child. 970

(7) "Issuing court" means the court that makes a parenting 971
determination for which enforcement is sought under sections 972
3127.01 to 3127.53 of the Revised Code. 973

(8) "Issuing state" means the state in which a parenting 974
determination is made. 975

(9) "Modification" means a parenting determination that 976
changes, replaces, supersedes, or is otherwise made after a 977
determination concerning the same child, whether or not it is made 978
by the court that made the previous determination. 979

(10) "Parenting determination" means a judgment, decree, or 980
other order of a court that, in relation to the parents of a 981
child, allocates parental rights and responsibilities for the care 982
of the child, including any designation of parenting time rights, 983
and designates a residential parent and legal custodian of the 984
child or that, in relation to any other person, provides for the 985
legal custody, physical custody, or visitation with respect to a 986
child. The term includes permanent, temporary, initial, and 987
modification orders. The term does not include an order relating 988
to child support or other monetary obligations of an individual. 989

(11) "Parenting proceeding" means a proceeding in which a 990
parenting determination with respect to a child is an issue. The 991
term includes proceedings for divorce, dissolution, legal 992
separation, to determine whether a child is an abused, neglected, 993

or dependent child, to establish guardianship, to determine the 994
existence of a parent and child relationship, to terminate 995
parental rights, and for protection from domestic violence, in 996
which the issue may appear. The term does not include a proceeding 997
involving juvenile delinquency or contractual emancipation, or for 998
enforcement under sections 3127.31 to 3127.47 of the Revised Code. 999

(12) "Person" means an individual; corporation; business 1000
trust; estate; trust; partnership; limited liability company; 1001
association; joint venture; government; governmental subdivision, 1002
agency, or instrumentality; public corporation; or any other legal 1003
or commercial entity. 1004

(13) "Person acting as a parent" means a person, other than 1005
the child's parent, who meets both of the following criteria: 1006

(a) The person has physical custody of the child or has had 1007
physical custody for a period of six consecutive months, including 1008
any temporary absence from the child, within one year immediately 1009
before the commencement of a parenting proceeding; and 1010

(b) The person has been awarded legal custody by a court or 1011
claims a right to legal custody under the law of this state. 1012

(14) "Physical custody" means the physical care and 1013
supervision of a child. 1014

(15) "State" means a state of the United States, the District 1015
of Columbia, Puerto Rico, the United States Virgin Islands, or any 1016
territory or insular possession subject to the jurisdiction of the 1017
United States. 1018

(16) "Tribe" means an Indian tribe or Alaskan Native village 1019
that is recognized by federal or state law. 1020

(17) "Warrant" means an order issued by a court authorizing 1021
law enforcement officers to take physical custody of a child. 1022

Sec. 3127.02. Sections 3127.01 to 3127.53 of the Revised Code 1023
do not govern adoption proceedings or proceedings pertaining to 1024
the authorization of emergency medical care for a child. 1025

Sec. 3127.03. (A) A parenting proceeding that pertains to an 1026
Indian child as defined in the Indian Child Welfare Act, 25 U.S.C. 1027
1901 et seq., is not subject to sections 3127.01 to 3127.53 of the 1028
Revised Code to the extent that the proceeding is governed by the 1029
Indian Child Welfare Act. 1030

(B) A court of this state shall treat a tribe as if it were a 1031
state of the United States for the purpose of applying sections 1032
3127.01 to 3127.53 of the Revised Code. 1033

(C) A parenting determination made by a tribe under factual 1034
circumstances in substantial conformity with the jurisdictional 1035
standards of sections 3127.01 to 3127.53 of the Revised Code must 1036
be recognized and enforced under sections 3127.31 to 3127.47 of 1037
the Revised Code. 1038

Sec. 3127.04. (A) A court of this state shall treat a foreign 1039
country as if it were a state of the United States for the purpose 1040
of applying sections 3127.01 to 3127.24 of the Revised Code. 1041

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(B) Except as otherwise provided in division (C) of this 1043
section, a parenting determination made in a foreign country under 1044
factual circumstances in substantial conformity with the 1045
jurisdictional standards of sections 3127.01 to 3127.53 of the 1046
Revised Code must be recognized and enforced under sections 1047
3127.31 to 3127.47 of the Revised Code. 1048

(C) A court of this state need not apply sections 3127.01 to 1049
3127.53 of the Revised Code if the law governing parenting 1050
determinations of a foreign country violates fundamental 1051

principles of human rights.

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Sec. 3127.05. A parenting determination made by a court of this state that had jurisdiction under sections 3127.01 to 3127.53 of the Revised Code binds all persons who have been served in accordance with the laws of this state, notified in accordance with section 3127.07 of the Revised Code, or who have submitted to the jurisdiction of the court, and who have been given an opportunity to be heard. As to those persons, the determination is conclusive as to all decided issues of law and fact except to the extent the determination is modified.

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Sec. ~~3109.37~~ 3127.06. Upon the request of a party to a parenting proceeding ~~which~~ that raises a question of existence or exercise of jurisdiction under sections ~~3109.21 to 3109.36~~ 3127.01 to 3127.53 of the Revised Code, the ~~case~~ question shall be given calendar priority and handled expeditiously.

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Sec. 3127.07. (A) Notice required for the exercise of jurisdiction over a person outside this state may be given in a manner prescribed by the Rules of Civil Procedure, or Juvenile Rules, as appropriate, for service of process or by the law of the state in which the service is made. Notice shall be given in a manner reasonably calculated to give actual notice but may be by publication if other means are not effective.

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(B) Proof of service may be made in the manner prescribed by the Rules of Civil Procedure, or Juvenile Rules, as appropriate, or by the law of the state in which the service is made.

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(C) Notice is not required if the person submits to the jurisdiction of the court.

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Sec. 3127.08. (A) A party to a parenting proceeding,

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including a modification proceeding, or a petitioner or respondent 1080
in a proceeding to enforce or register a parenting determination, 1081
is not subject to personal jurisdiction in this state for another 1082
proceeding or purpose solely by reason of having participated, or 1083
of having been physically present for the purpose of 1084
participating, in the parenting proceeding. 1085

(B) A person who is subject to personal jurisdiction in this 1086
state on a basis other than physical presence is not immune from 1087
service of process in this state. A party present in this state 1088
who is subject to the jurisdiction of another state is not immune 1089
from service of process allowable under the laws of that state. 1090

(C) The immunity granted by division (A) of this section does 1091
not extend to civil litigation based on acts unrelated to the 1092
participation in a proceeding under sections 3127.01 to 3127.53 of 1093
the Revised Code that are committed by an individual while present 1094
in this state. 1095

Sec. 3127.09. (A) A court of this state may communicate with 1096
a court in another state concerning a proceeding arising under 1097
sections 3127.01 to 3127.53 of the Revised Code. 1098

(B) The court shall give the parties the opportunity to 1099
participate in the communication. If the parties are not able to 1100
participate in the communication, they shall be given the 1101
opportunity to present facts and legal arguments before a decision 1102
concerning jurisdiction is made. 1103

(C) Communication between courts concerning scheduling, 1104
calendars, court records, and similar matters may occur without 1105
informing the parties. The parties shall be informed promptly of 1106
communication concerning court records and be granted access to 1107
those records. 1108

(D) A record shall be made of a communication under this 1109

section. The parties shall be informed promptly of the
communication and granted access to the record.

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(E) For the purposes of this section, "record" means
information that is inscribed on a tangible medium or that is
stored in an electronic or other medium and is retrievable in
perceivable form.

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Sec. 3127.10. (A) In addition to other procedures available
to a party, a party to a parenting proceeding may offer testimony
of witnesses who are located in another state, including testimony
of the parties and the child, by deposition or other means
allowable in this state for testimony taken in another state. The
court on its own motion may order that the testimony of a person
be taken in another state and may prescribe the manner in which
and the terms upon which the testimony is taken.

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(B) A court of this state may permit an individual residing
in another state to be deposed or to testify by telephone,
audiovisual means, or other electronic means before a designated
court or at another location in that state. A court of this state
shall cooperate with courts of other states in designating an
appropriate location for the deposition or testimony.

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(C) Documentary evidence transmitted from another state to a
court of this state by technological means that do not produce an
original writing may not be excluded from evidence on an objection
based on the means of transmission.

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Sec. 3127.11. (A) A court of this state may request the
appropriate court of another state to do any of the following:

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(1) Hold an evidentiary hearing;

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(2) Order a person to produce or give evidence pursuant to
procedures of that state;

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(3) Order that an evaluation be made concerning the allocation of parental rights and responsibilities for the care of a child involved in a pending proceeding with respect to the designation of a parent as the residential parent and legal custodian of the child and with respect to the custody of the child in any other person; 1139
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(4) Forward to the court of this state a certified copy of the transcript of the record of the hearing, the evidence otherwise presented, and any evaluation prepared in compliance with the request; 1145
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(5) Order a party to a parenting proceeding or any person having physical custody of the child to appear in the proceeding with or without the child. 1149
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(B) Upon request of a court of another state, a court of this state may hold a hearing or enter an order described in division (A) of this section. 1152
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(C) The court may assess travel and other necessary and reasonable expenses incurred under divisions (A) and (B) of this section against the parties according to the law of this state. 1155
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(D) Upon appropriate request by a court or law enforcement official of another state, a court of this state shall forward a certified copy of the pleadings, orders, decrees, records of hearings, evaluations, and other pertinent records with respect to a parenting proceeding to the court or law enforcement official of the other state. 1158
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Sec. 3127.15. (A) Except as otherwise provided in section 3127.18 of the Revised Code, a court of this state has jurisdiction to make an initial determination in a parenting proceeding only if one of the following applies: 1164
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(1) This state is the home state of the child on the date of 1168

the commencement of the proceeding, or was the home state of the 1169
child within six months before the commencement of the proceeding 1170
and the child is absent from this state but a parent or person 1171
acting as a parent continues to live in this state. 1172

(2) A court of another state does not have jurisdiction under 1173
division (A)(1) of this section or a court of the home state of 1174
the child has declined to exercise jurisdiction on the basis that 1175
this state is the more appropriate forum under section 3127.21 or 1176
3127.22 of the Revised Code and both of the following are the 1177
case: 1178

(a) The child and the child's parents, or the child and at 1179
least one parent or a person acting as a parent, have a 1180
significant connection with this state other than mere physical 1181
presence. 1182

(b) Substantial evidence is available in this state 1183
concerning the child's care, protection, training, and personal 1184
relationships. 1185

(3) All courts having jurisdiction under division (A)(1) or 1186
(2) of this section have declined to exercise jurisdiction on the 1187
ground that a court of this state is the more appropriate forum to 1188
determine the custody of the child under section 3127.21 or 1189
3127.22 of the Revised Code or a similar statute enacted by 1190
another state. 1191

(4) No court of any other state would have jurisdiction under 1192
the criteria specified in division (A)(1), (2), or (3) of this 1193
section. 1194

(B) Division (A) of this section is the exclusive 1195
jurisdictional basis for making a parenting determination by a 1196
court of this state. 1197

(C) Physical presence of, or personal jurisdiction over, a 1198

party or a child is not necessary or sufficient to make a 1199
parenting determination. 1200

Sec. 3127.16. Except as otherwise provided in section 3127.18 1201
of the Revised Code, a court of this state that has made a 1202
parenting determination consistent with section 3127.15 or 3127.17 1203
of the Revised Code has exclusive, continuing jurisdiction over 1204
the determination until this court or a court of another state 1205
determines that the child, the child's parents, and any person 1206
acting as a parent do not presently reside in this state. 1207

Sec. 3127.17. Except as otherwise provided in section 3127.18 1208
of the Revised Code, a court of this state may not modify a 1209
parenting determination made by a court of another state unless 1210
the court of this state has jurisdiction to make an initial 1211
determination under division (A)(1) or (2) of section 3127.15 of 1212
the Revised Code and one of the following applies: 1213

(A) The court of the other state determines that it no longer 1214
has exclusive, continuing jurisdiction under section 3127.16 of 1215
the Revised Code or a similar statute of the other state or that a 1216
court of this state would be a more convenient forum under section 1217
3127.21 of the Revised Code or a similar statute of the other 1218
state. 1219

(B) The court of this state or a court of the other state 1220
determines that the child, the child's parents, and any person 1221
acting as a parent do not presently reside in the other state. 1222

Sec. 3127.18. (A) A court of this state has temporary 1223
emergency jurisdiction if a child is present in this state and 1224
either of the following applies: 1225

(1) The child has been abandoned. 1226

(2) It is necessary in an emergency to protect the child 1227

because the child, or a sibling or parent of the child, is 1228
subjected to or threatened with mistreatment or abuse. 1229

(B) If there is no previous parenting determination that is 1230
entitled to be enforced under this chapter and a parenting 1231
proceeding has not been commenced in a court of a state having 1232
jurisdiction under sections 3127.15 to 3127.17 of the Revised Code 1233
or a similar statute of another state, a parenting determination 1234
made under this section remains in effect until an order is 1235
obtained from a court of a state having jurisdiction under 1236
sections 3127.15 to 3127.17 of the Revised Code or a similar 1237
statute of another state. If a parenting proceeding has not been 1238
or is not commenced in a court of a state having jurisdiction 1239
under sections 3127.15 to 3127.17 of the Revised Code or a similar 1240
statute of another state, a parenting determination made under 1241
this section becomes a final determination, if it so provides and 1242
this state becomes the home state of the child. 1243

(C) If there is a previous parenting determination that is 1244
entitled to be enforced under this chapter, or a parenting 1245
proceeding has been commenced in a court of a state having 1246
jurisdiction under sections 3127.15 to 3127.17 of the Revised Code 1247
or a similar statute of another state, any order issued by a court 1248
of this state under this section must specify in the order a 1249
period that the court considers adequate to allow the person 1250
seeking an order to obtain an order from the state having 1251
jurisdiction under sections 3127.15 to 3127.17 of the Revised Code 1252
or a similar statute of another state. The order issued in this 1253
state remains in effect until an order is obtained from the other 1254
state within the period specified or until the period expires. 1255

(D) A court of this state that has been asked to make a 1256
parenting determination under this section, upon being informed 1257
that a parenting proceeding has been commenced in or a parenting 1258
determination has been made by a court of a state having 1259

jurisdiction under sections 3127.15 to 3127.17 of the Revised Code 1260
or a similar statute of another state, shall immediately 1261
communicate with the other court. A court of this state that is 1262
exercising jurisdiction pursuant to sections 3127.15 to 3127.17 of 1263
the Revised Code, upon being informed that a parenting proceeding 1264
has been commenced in or a parenting determination has been made 1265
by a court of another state under a statute similar to this 1266
section, shall immediately communicate with the court of that 1267
state to resolve the emergency, protect the safety of the parties 1268
and the child, and determine a period for the duration of the 1269
temporary order. 1270

Sec. 3127.19. (A) Before a parenting determination is made 1271
under this chapter, notice and an opportunity to be heard in 1272
accordance with the standards set forth in section 3127.07 of the 1273
Revised Code shall be given to all persons entitled to notice 1274
under the law of this state as in parenting proceedings between 1275
residents of this state, any parent whose parental rights have not 1276
been previously terminated, and any person having physical custody 1277
of the child. 1278

(B) This chapter does not govern the enforceability of a 1279
parenting determination made without notice or an opportunity to 1280
be heard. 1281

(C) The obligation to join a party and the right to intervene 1282
as a party in a parenting proceeding under this chapter shall be 1283
governed by the law of this state as in parenting proceedings 1284
between residents of this state. 1285

Sec. 3127.20. (A) Except as otherwise provided in section 1286
3127.18 of the Revised Code, a court of this state may not 1287
exercise its jurisdiction under sections 3127.15 to 3127.17 of the 1288
Revised Code if, at the time of the commencement of the 1289

proceeding, a parenting proceeding concerning the child is pending 1290
in a court of another state having jurisdiction substantially in 1291
conformity with this chapter, unless the proceeding has been 1292
terminated or is stayed by the court of the other state because a 1293
court of this state is a more convenient forum under section 1294
3127.21 of the Revised Code or a similar statute of the other 1295
state. 1296

(B) Except as otherwise provided in section 3127.18 of the 1297
Revised Code, a court of this state, before hearing a parenting 1298
proceeding, shall examine the court documents and other 1299
information supplied by the parties pursuant to section 3127.23 of 1300
the Revised Code. If the court determines that a parenting 1301
proceeding is pending in a court in another state having 1302
jurisdiction substantially in accordance with this chapter, the 1303
court of this state shall stay its proceeding and communicate with 1304
the court of the other state. If the court of the state having 1305
jurisdiction substantially in accordance with this chapter does 1306
not determine that the court of this state is a more appropriate 1307
forum, the court of this state shall dismiss the proceeding. 1308

(C) In a proceeding to modify a parenting determination, a 1309
court of this state shall determine whether a proceeding to 1310
enforce the determination has been commenced in another state. If 1311
a proceeding to enforce a parenting determination has been 1312
commenced in another state, the court may do any of the following: 1313

(1) Stay the proceeding for modification pending the entry of 1314
an order of a court of the other state enforcing, staying, 1315
denying, or dismissing the proceeding for enforcement; 1316

(2) Enjoin the parties from continuing with the proceeding 1317
for enforcement; 1318

(3) Upon the demonstration of an emergency, proceed with the 1319

modification under conditions the court considers appropriate. 1320

Sec. 3127.21. (A) A court of this state that has jurisdiction 1321
under this chapter to make a parenting determination may decline 1322
to exercise its jurisdiction at any time if it determines that it 1323
is an inconvenient forum under the circumstances and that a court 1324
of another state is a more convenient forum. The issue of 1325
inconvenient forum may be raised upon motion of a party, the 1326
court's own motion, or at the request of another court. 1327

(B) Before determining whether it is an inconvenient forum, a 1329
court of this state shall consider whether it is appropriate for a 1330
court of another state to exercise jurisdiction. For this purpose, 1331
the court shall allow the parties to submit information and shall 1332
consider all relevant factors, including the following: 1333

(1) Whether domestic violence has occurred and is likely to 1334
continue in the future and which state could best protect the 1335
parties and the child; 1336

(2) The length of time the child has resided outside this 1337
state; 1338

(3) The distance between the court in this state and the 1339
court in the state that would assume jurisdiction; 1340

(4) The relative financial circumstances of the parties; 1341

(5) Any agreement of the parties as to which state should 1342
assume jurisdiction; 1343

(6) The nature and location of the evidence required to 1344
resolve the pending litigation, including the testimony of the 1345
child; 1346

(7) The ability of the court of each state to decide the 1347
issue expeditiously and the procedures necessary to present the 1348

<u>evidence;</u>	1349
<u>(8) The familiarity of the court of each state with the facts and issues in the pending litigation.</u>	1350 1351
<u>(C) If a court of this state determines that it is an inconvenient forum and that a court of another state is a more appropriate forum, it shall stay the proceedings upon condition that a parenting proceeding be promptly commenced in another designated state and may impose any other condition the court considers just and proper.</u>	1352 1353 1354 1355 1356 1357
<u>(D) A court of this state may decline to exercise its jurisdiction under this chapter if a parenting determination is incidental to an action for divorce or another proceeding while still retaining jurisdiction over the divorce or other proceeding.</u>	1358 1359 1360 1361
<u>Sec. 3127.22. (A) Except as otherwise provided in section 3127.18 of the Revised Code or another law of this state, if a court of this state has jurisdiction under this chapter because a person seeking to invoke its jurisdiction has engaged in unjustifiable conduct, the court shall decline to exercise its jurisdiction unless one of the following applies:</u>	1362 1363 1364 1365 1366 1367
<u>(1) The parents and all persons acting as parents have agreed to the exercise of jurisdiction.</u>	1368 1369
<u>(2) A court of the state otherwise having jurisdiction under sections 3127.15 to 3127.17 of the Revised Code determines that this state is a more appropriate forum under section 3127.21 of the Revised Code.</u>	1370 1371 1372 1373
<u>(3) No court of any other state would have jurisdiction under the criteria specified in sections 3127.15 to 3127.17 of the Revised Code.</u>	1374 1375 1376
<u>(B) If a court of this state declines to exercise its jurisdiction pursuant to division (A) of this section, it may</u>	1377 1378

fashion an appropriate remedy to ensure the safety of the child 1379
and prevent a repetition of the unjustifiable conduct, including 1380
staying the proceeding until a parenting proceeding is commenced 1381
in a court having jurisdiction under sections 3127.15 to 3127.17 1382
of the Revised Code or a similar statute of another state. 1383

(C) If a court dismisses a petition or stays a proceeding 1384
because it declines to exercise its jurisdiction pursuant to 1385
division (A) of this section, it shall assess against the party 1386
seeking to invoke its jurisdiction necessary and reasonable 1387
expenses including costs, communication expenses, attorney's fees, 1388
investigative fees, expenses for witnesses, travel expenses, and 1389
child care during the course of the proceedings, unless the party 1390
from whom fees are sought establishes that the assessment would be 1391
clearly inappropriate. The court may not assess fees, costs, or 1392
expenses against this state or a political subdivision of this 1393
state unless authorized by law other than this chapter. 1394

(D) As used in this section, "unjustifiable conduct" means 1395
conduct by a parent or that parent's surrogate that attempts to 1396
create jurisdiction in this state by removing the child from the 1397
child's home state, secreting the child, retaining the child, or 1398
restraining or otherwise preventing the child from returning to 1399
the child's home state in order to prevent the other parent from 1400
commencing a parenting proceeding in the child's home state. 1401

Sec. ~~3109.27~~ 3127.23. (A) Each party in a parenting 1402
proceeding, in the party's first pleading or in an affidavit 1403
attached to that pleading, shall give information if reasonably 1404
ascertainable under oath as to the child's present address or 1405
whereabouts, the places where the child has lived within the last 1406
five years, and the name and present address of each person with 1407
whom the child has lived during that period. In this pleading or 1408
affidavit, each party also shall include all of the following 1409

information: 1410

(1) Whether the party has participated as a party, a witness, 1411
or in any other capacity in any other ~~litigation, in this or any~~ 1412
~~other state, that concerned~~ proceeding concerning the allocation, 1413
between the parents of the same child, of parental rights and 1414
responsibilities for the care of the child including any 1415
designation of parenting time rights and the designation of the 1416
residential parent and legal custodian of the child or that 1417
otherwise concerned the custody of or visitation with the same 1418
child and, if so, the court, case number and the date of the 1419
parenting determination, if any; 1420

(2) Whether the party ~~has information of any parenting~~ 1421
~~proceeding concerning the child pending in a court of this or any~~ 1422
~~other state~~ knows of any proceedings that could affect the current 1423
proceeding, including proceedings for enforcement of parenting 1424
determinations, proceedings relating to domestic violence or 1425
protective orders, proceedings to adjudicate the child as an 1426
abused, neglected, or dependent child, proceedings seeking 1427
termination of parental rights, and adoptions, and, if so, the 1428
court, the case number, and the nature of the proceeding; 1429

(3) Whether the party knows of any person who is not a party 1430
to the proceeding and has physical custody of the child or claims 1431
to be a parent of the child who is designated the residential 1432
parent and legal custodian of the child or to have parenting time 1433
rights with respect to the child or to be a person other than a 1434
parent of the child who has custody or visitation rights with 1435
respect to the child? 1436

~~(4) Whether the party previously has been convicted of or~~ 1437
~~pleaded guilty to any criminal offense involving any act that~~ 1438
~~resulted in a child being an abused child or a neglected child or~~ 1439
~~previously has been determined, in a case in which a child has~~ 1440

been adjudicated an abused child or a neglected child, to be the perpetrator of the abusive or neglectful act that was the basis of the adjudication and, if so, the names and addresses of those persons.

(B) If the information required by division (A) of this section is not furnished, the court, upon motion of a party or its own motion, may stay the proceeding until the information is furnished.

~~(C)~~ If the declaration under division (A)(1), (2), or (3), ~~or (4)~~ of this section is in the affirmative, the court ~~may require the declarant to~~ shall give additional information ~~under oath as required by the court.~~ The court may examine the parties under oath as to details of the information furnished and as to other matters pertinent to the court's jurisdiction and the disposition of the case.

~~(C)~~(D) Each party has a continuing duty to inform the court of any parenting proceeding concerning the child in this or any other state ~~of which the party obtained information during this~~ that could affect the current proceeding.

~~(D)~~(E) If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by the disclosure of identifying information, the information must be sealed and may not be disclosed to the other party or the public unless the court orders the disclosure to be made after a hearing in which the court takes into consideration the health, safety, and liberty of the party or child and determines that the disclosure is in the interests of justice.

(F) A public children services agency, acting pursuant to a complaint or an action on a complaint filed under section 2151.27 of the Revised Code, is not subject to the requirements of this section.

~~(E)~~(G) As used in this section, "abused child" has the same 1472
meaning as in section 2151.031 of the Revised Code, ~~and~~ "neglected 1473
child" has the same meaning as in section 2151.03 of the Revised 1474
Code, and "dependent child" has the same meaning as in section 1475
2151.04 of the Revised Code. 1476

Sec. ~~3109.29~~ 3127.24. (A) The court may order any party to a 1477
parenting proceeding who is in this state to appear personally 1478
before the court with or without the child. ~~If that party~~ The 1479
court may order any person who is in this state and who has 1480
physical custody or control of the child, ~~the court may order that~~ 1481
~~he~~ to appear personally with the child. 1482

(B) If a party to a parenting proceeding whose presence is 1483
desired by the court is outside this state with or without the 1484
child, the court may order that the notice given under ~~division~~ 1485
~~(B)~~ of section ~~3109.23~~ 3127.07 of the Revised Code include a 1486
statement directing that party to appear personally with or 1487
without the child and ~~declaring~~ informing the party that failure 1488
to appear may result in a decision adverse to that party. 1489

(C) The court may enter any orders necessary to ensure the 1490
safety of the child and of any person ordered to appear under this 1491
section. 1492

(D) If a party to a parenting proceeding who is outside this 1493
state is directed to appear under division (B) of this section or 1494
desires to appear personally before the court with or without the 1495
child, the court may require another party to pay ~~to the clerk of~~ 1496
~~the court~~ reasonable and necessary travel and other ~~necessary~~ 1497
expenses for the appearance of the party and the child ~~who are~~ 1498
~~outside this state, if this is just and proper under the~~ 1499
~~circumstances.~~ 1500

Sec. 3127.31. As used in sections 3127.31 to 3127.47 of the 1501

Revised Code: 1502

(A) "Petitioner" means a person who seeks enforcement of an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction or enforcement of a parenting determination. 1503
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(B) "Respondent" means a person against whom a proceeding has been commenced for enforcement of an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction or enforcement of a parenting determination. 1507
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Sec. 3127.32. Under this chapter, a juvenile court or other court with jurisdiction under section 2101.022 or 2301.03 of the Revised Code may enforce an order for the return of a child made under the Hague Convention on the Civil Aspects of International Child Abduction as if it were a parenting determination. 1511
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Sec. 3127.33. (A) A court of this state shall recognize and enforce a parenting determination of a court of another state if that state exercised jurisdiction in substantial conformity with this chapter or the determination was made under factual circumstances meeting the jurisdictional standards of this chapter and the determination has not been modified in accordance with this chapter. 1516
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(B) A court of this state may use any remedy available under other law of this state to enforce a parenting determination made by a court of another state. The remedies provided in sections 3127.31 to 3127.47 of the Revised Code are cumulative and do not affect the availability of other remedies to enforce a parenting determination. 1523
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Sec. 3127.34. (A) A court of this state that does not have 1529

jurisdiction to modify a child custody determination may issue a 1530
temporary order enforcing either of the following: 1531

(1) A parenting time or visitation schedule made by a court 1532
of another state; 1533

(2) The parenting time or visitation provisions of a 1534
parenting determination of another state that does not provide for 1535
a specific parenting time or visitation schedule. 1536

(B) If a court of this state makes an order under division 1537
(A)(2) of this section, it shall specify in the order a period 1538
that it considers adequate to allow the petitioner to obtain an 1539
order from a court having jurisdiction under the criteria 1540
specified in sections 3127.15 to 3127.24 of the Revised Code. The 1541
order shall remain in effect until an order is obtained from the 1542
other court or until the period expires. 1543

Sec. 3127.35. (A) The clerk of each juvenile court or other 1544
court with jurisdiction under section 2101.022 or 2301.03 of the 1545
Revised Code shall maintain a parenting determination registry 1546
with respect to parenting determinations made by the court. 1547

(B) A parenting determination issued by a court of another 1548
state may be registered in this state with or without a 1549
simultaneous request for enforcement by sending to the clerk of a 1550
juvenile court or other court in this state with jurisdiction 1551
under section 2101.022 or 2301.03 of the Revised Code all of the 1552
following: 1553

(1) A letter or other document requesting that the parenting 1554
determination be registered; 1555

(2) Two copies, including one certified copy, of the 1556
determination sought to be registered, and a statement under 1557
penalty of perjury that, to the best of the knowledge and belief 1558

of the person seeking registration, the order has not been 1559
modified; 1560

(3) Except as otherwise provided in section 3127.23 of the 1561
Revised Code, the name and address of the person seeking 1562
registration and any parent who is designated the residential 1563
parent and legal custodian of the child or to have parenting time 1564
with respect to the child or any person acting as a parent who has 1565
been awarded custody or visitation in the parenting determination 1566
sought to be registered; 1567

(4) An advance deposit or fee established by the court. 1568

(C) On receipt of the documents and information required by 1569
division (B) of this section, the registering court shall do both 1570
of the following: 1571

(1) Cause the parenting determination to be filed as a 1572
foreign judgment together with one copy of any accompanying 1573
documents and information, regardless of their form; 1574

(2) Serve notice of the registration request on the persons 1575
named pursuant to division (B)(3) of this section, and provide 1576
them with an opportunity to contest the registration in accordance 1577
with this section. 1578

(D) The notice required by division (C)(2) of this section 1579
shall state all of the following: 1580

(1) That the registered parenting determination is 1581
enforceable as of the date of the registration in the same manner 1582
as a parenting determination issued by a court of this state; 1583

(2) That a hearing to contest the validity of the registered 1584
determination must be requested within thirty days after service 1585
of notice; 1586

(3) That failure to contest the registration shall result in 1587
confirmation of the parenting determination and preclude further 1588

contest of that determination with respect to any matter that 1589
could have been asserted. 1590

(E) A person seeking to contest the validity of a registered 1591
order shall request a hearing within thirty days after service of 1592
the notice. At that hearing, the court shall confirm the 1593
registered order unless the person contesting registration 1594
establishes one of the following circumstances: 1595

(1) The issuing court did not have jurisdiction under 1596
sections 3127.15 to 3127.24 of the Revised Code or a similar 1597
statute of another state. 1598

(2) The parenting determination sought to be registered has 1599
been vacated, stayed, or modified by a court having jurisdiction 1600
to do so under sections 3127.15 to 3127.24 of the Revised Code or 1601
a similar statute of another state. 1602

(3) The person contesting registration was entitled to notice 1603
of the parenting proceeding for which registration is sought, but 1604
notice was not given in accordance with the standards of section 1605
3127.07 of the Revised Code or a similar statute of another state. 1606

(F) If a timely request for a hearing to contest the validity 1607
of the registration is not made, the registration is confirmed as 1608
a matter of law and the person requesting registration and all 1609
persons served in accordance with division (B)(2) of this section 1610
must be notified of the confirmation. 1611

(G) Confirmation of a registered parenting determination, 1612
whether by operation of law or after notice and hearing, precludes 1613
further contest of the determination with respect to any matter 1614
that could have been asserted at the time of registration. 1615

Sec. 3127.36. (A) A juvenile court or other court of this 1616
state with jurisdiction under section 2101.022 or 2301.03 of the 1617
Revised Code may grant any relief normally available under the law 1618

of this state to enforce a registered parenting determination made
by a court of another state.

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(B) A juvenile court and each other court of this state with
jurisdiction under section 2101.022 or 2301.03 of the Revised Code
shall recognize and enforce, but may not modify except in
accordance with sections 3127.15 to 3127.24 of the Revised Code, a
registered parenting determination of a court of another state.

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Sec. 3127.37. If a proceeding for enforcement under sections
3127.31 to 3127.46 of the Revised Code is commenced in a juvenile
court or other court of this state with jurisdiction under section
2101.022 or 2301.03 of the Revised Code and the court determines
that a proceeding to modify the determination is pending in a
court of another state having jurisdiction to modify the
determination under sections 3127.15 to 3127.24 of the Revised
Code or a similar statute of another state, the enforcing court
shall immediately communicate with the modifying court. The
proceeding for enforcement shall continue unless the enforcing
court, after consultation with the modifying court, stays or
dismisses the proceeding.

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Sec. 3127.38. (A) A petition for enforcement pursuant to
sections 3127.31 to 3127.46 of the Revised Code must be verified.
All orders sought to be enforced and any order confirming
registration must be attached to the petition. The orders attached
to the petition shall be the original or a certified copy,
whichever a court requires.

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(B) A petition for enforcement of a parenting determination
shall state all of the following:

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(1) Whether the court that issued the parenting determination
identified the jurisdictional basis it relied upon in exercising

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jurisdiction and, if so, what the basis was; 1648

(2) Whether the determination for which enforcement is sought 1649
has been vacated, stayed, or modified by a court whose decision 1650
must be enforced under this chapter and, if so, identify the 1651
court, the case number, and the nature of the proceeding; 1652

(3) Whether any proceeding has been commenced that could 1653
affect the current proceeding, including proceedings for 1654
enforcement of parenting determinations, proceedings relating to 1655
domestic violence or protective orders, proceedings to adjudicate 1656
the child as an abused, neglected, or dependent child, proceedings 1657
seeking termination of parental rights, and adoptions, and, if so, 1658
the court, the case number, and the nature of the proceeding; 1659

(4) The present physical address of the child and the 1660
respondent, if known; 1661

(5) Whether relief in addition to the immediate physical 1662
custody of the child and attorney's fees is sought, including a 1663
request for assistance from law enforcement officials and, if so, 1664
the relief sought; 1665

(6) If the parenting determination has been registered and 1666
confirmed under section 3127.35 of the Revised Code, the date and 1667
place of registration. 1668

(C) Upon the filing of a petition, the court shall issue an 1669
order directing the respondent to appear in person with or without 1670
the child at a hearing and may enter any order necessary to ensure 1671
the safety of the parties and the child. If possible, the hearing 1672
must be held on the next judicial day after service of the order. 1673
If holding the hearing on that date is impossible, the court shall 1674
hold the hearing on the first judicial day possible. The court may 1675
extend the date of the hearing at the request of the petitioner. 1676

(D) An order issued under division (C) of this section shall 1677

state the time and place of the hearing and advise the respondent 1678
that at the hearing the court will order that the petitioner may 1679
take immediate physical custody of the child and that the 1680
respondent pay fees, costs, and expenses under section 3127.42 of 1681
the Revised Code and may schedule a hearing to determine whether 1682
further relief is appropriate, unless the respondent appears and 1683
establishes either of the following: 1684

(1) That the parenting determination has not been registered 1685
and confirmed under section 3127.35 of the Revised Code and that 1686
one of the following circumstances applies: 1687

(a) The issuing court did not have jurisdiction under 1688
sections 3127.15 to 3127.24 of the Revised Code or a similar 1689
statute of another state. 1690

(b) The parenting determination for which enforcement is 1691
sought has been vacated, stayed, or modified by a court having 1692
jurisdiction to do so under sections 3127.15 to 3127.24 of the 1693
Revised Code or a similar statute of another state. 1694

(c) The respondent was entitled to notice of the parenting 1695
proceeding for which enforcement is sought, but notice was not 1696
given in accordance with the standards of section 3127.07 of the 1697
Revised Code or a similar statute of another state. 1698

(2) That the parenting determination for which enforcement is 1699
sought was registered and confirmed under section 3127.35 of the 1700
Revised Code but has been vacated, stayed, or modified by a court 1701
of a state having jurisdiction to do so under sections 3127.15 to 1702
3127.24 of the Revised Code or a similar statute of another state. 1703

Sec. 3127.39. Except as otherwise provided in section 3127.41 1704
of the Revised Code, the petition and order shall be served by any 1705
method authorized by the Rules of Civil Procedure upon respondent 1706
and any person who has physical custody of the child. 1707

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Sec. 3127.40. (A) Unless the court issues a temporary emergency order pursuant to section 3127.18 of the Revised Code, upon a finding that a petitioner is entitled to immediate physical custody of the child, the court shall order that the petitioner may take immediate physical custody of the child unless the respondent establishes either of the following:

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(1) That the parenting determination has not been registered and confirmed under section 3127.35 of the Revised Code and that one of the following circumstances applies:

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(a) The issuing court did not have jurisdiction under sections 3127.15 to 3127.24 of the Revised Code or a similar statute of another state.

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(b) The parenting determination for which enforcement is sought has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under sections 3127.15 to 3127.24 of the Revised Code or a similar statute of another state.

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(c) The respondent was entitled to notice of the parenting proceeding for which enforcement is sought, but notice was not given in accordance with the standards of section 3127.07 of the Revised Code or a similar statute of another state.

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(2) That the child custody determination for which enforcement is sought was registered and confirmed under section 3127.35 of the Revised Code but has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under sections 3127.15 to 3127.24 of the Revised Code or a similar statute of another state.

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(B) The court shall award the fees, costs, and expenses authorized under section 3127.42 of the Revised Code, and may grant additional relief, including a request for the assistance of

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law enforcement officials, and shall set a further hearing to 1738
determine whether the additional relief is appropriate. 1739

(C) If a party called to testify in a proceeding to enforce a 1740
parenting determination refuses to answer on the basis that the 1741
testimony may be self-incriminating, the court may draw an adverse 1742
inference from the refusal. 1743

(D) A privilege against disclosure of communications between 1744
spouses and a defense of immunity based on the relationship of 1745
husband and wife or parent and child may not be invoked in a 1746
proceeding under this chapter. 1747

Sec. 3127.41. (A) Upon the filing of a petition seeking 1748
enforcement of a parenting determination, the petitioner may file 1749
a verified application for the issuance of a warrant to take 1750
physical custody of the child if the child is imminently likely to 1751
suffer serious physical harm or be removed from this state. 1752

(B) If the court, upon the testimony of the petitioner or 1753
another witness, finds that the child is imminently likely to 1754
suffer serious physical harm or be removed from this state, it may 1755
issue a warrant to take physical custody of the child. If 1756
possible, the court shall hear the petition on the next judicial 1757
day after the warrant is executed. If it is impossible to hold a 1758
hearing on that date, the court shall hold the hearing on the 1759
first judicial day possible. The application for the warrant shall 1760
include the statements required by division (B) of section 3127.38 1761
of the Revised Code. 1762

(C) A warrant to take physical custody of a child shall do 1763
all of the following: 1764

(1) Specify the facts upon which a conclusion of imminent 1765
serious physical harm or removal from the jurisdiction is based; 1766

(2) Direct law enforcement officers to take physical custody 1767

<u>of the child immediately;</u>	1768
<u>(3) Provide for the placement of the child pending final relief.</u>	1769 1770
<u>(D) The respondent shall be served with the petition, warrant, and order immediately after the child is taken into physical custody.</u>	1771 1772 1773
<u>(E) A warrant to take physical custody of a child is enforceable throughout this state. If the court finds on the basis of the testimony of the petitioner or another witness that a less intrusive remedy is not effective, it may authorize law enforcement officers to enter private property to take physical custody of the child. If required by exigent circumstances of the case, the court may authorize law enforcement officers to make a forcible entry at any hour.</u>	1774 1775 1776 1777 1778 1779 1780 1781
<u>(F) The court may impose conditions upon the placement of a child to ensure the appearance of the child and the child's custodian.</u>	1782 1783 1784
<u>Sec. 3127.42. (A) A court shall award the prevailing party in an action to enforce a parenting determination, including a state, necessary and reasonable expenses incurred by or on behalf of the party, including costs, communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel expenses, and child care during the course of the proceedings, unless the party from whom fees or expenses are sought establishes that the award would be clearly inappropriate.</u>	1785 1786 1787 1788 1789 1790 1791 1792
<u>(B) The court shall not assess fees, costs, or expenses against a state or a political subdivision of a state unless authorized by law other than this chapter.</u>	1793 1794 1795
<u>Sec. 3127.43. A court of this state shall accord full faith</u>	1796

and credit to an order issued by another state consistent with 1797
this chapter that enforces a parenting determination by a court of 1798
another state unless the order has been vacated, stayed, or 1799
modified by a court having jurisdiction to do so under sections 1800
3127.15 to 3127.24 of the Revised Code or a similar statute of 1801
another state. 1802

Sec. 3127.44. An appeal may be taken from a final order in a 1803
proceeding under sections 3127.31 to 3127.47 of the Revised Code. 1804
The supreme court of this state shall, by rule, provide for 1805
expedited appellate review of cases appealed under this section. 1806
Unless the court enters a temporary emergency order under section 1807
3127.18 of the Revised Code, the enforcing court may not stay an 1808
order enforcing a parenting determination pending appeal. 1809

Sec. 3127.45. (A) In a case arising under this chapter or 1810
involving the Hague Convention on the Civil Aspects in 1811
International Child Abduction, the prosecutor may take any lawful 1812
action, including resort to a proceeding under sections 3127.31 to 1813
3127.47 of the Revised Code or any other available civil 1814
proceeding, to locate a child, obtain the return of a child, or 1815
enforce a parenting determination if there is any of the 1816
following: 1817

(1) An existing parenting determination; 1818

(2) A request to locate a child, obtain the return of a 1819
child, or enforce a parenting determination from a court in a 1820
pending parenting proceeding; 1821

(3) A reasonable belief that a criminal statute has been 1822
violated; 1823

(4) A reasonable belief that the child has been wrongfully 1824
removed or retained in violation of the Hague Convention on the 1825

<u>Civil Aspects of International Child Abduction.</u>	1826
<u>(B) A prosecutor acting under this section acts on behalf of</u>	1827
<u>the court and may not represent any party.</u>	1828
<u>Sec. 3127.46. At the request of a prosecutor or other</u>	1829
<u>appropriate public official acting under section 3127.45 of the</u>	1830
<u>Revised Code, a law enforcement officer may take any lawful action</u>	1831
<u>reasonably necessary to locate a child or a party and assist a</u>	1832
<u>prosecutor or appropriate public official with responsibilities</u>	1833
<u>under section 3127.45 of the Revised Code.</u>	1834
<u>Sec. 3127.47. If the respondent is not the prevailing party,</u>	1835
<u>the court may assess against the respondent all direct expenses</u>	1836
<u>and costs incurred by the prosecutor or other appropriate public</u>	1837
<u>official and law enforcement officers under section 3127.45 or</u>	1838
<u>3127.46 of the Revised Code.</u>	1839
<u>Sec. 3127.51. In applying and construing sections 3127.01 to</u>	1840
<u>3127.53 of the Revised Code, consideration shall be given to the</u>	1841
<u>need to promote uniformity of law with respect to its subject</u>	1842
<u>matter among states that enact a uniform child custody</u>	1843
<u>jurisdiction and enforcement act.</u>	1844
<u>Sec. 3127.52. If any provision of this chapter or its</u>	1845
<u>application to any person or circumstance is held invalid, the</u>	1846
<u>invalidity does not affect other provisions or applications of</u>	1847
<u>this chapter that can be given effect without the invalid</u>	1848
<u>provision or application, and to this end the provisions of this</u>	1849
<u>chapter are severable.</u>	1850
<u>Sec. 3127.53. A motion or other request for relief made in a</u>	1851
<u>parenting proceeding or to enforce a parenting determination that</u>	1852
<u>was commenced before the effective date of this chapter is</u>	1853

governed by the law in effect at the time the motion or other 1854
request was made. 1855

Section 2. That existing sections 2111.06, 2151.23, 2151.27, 1856
2152.021, 3109.04, 3109.27, 3109.29, and 3109.37 and sections 1857
3109.21, 3109.22, 3109.23, 3109.24, 3109.25, 3109.26, 3109.28, 1858
3109.30, 3109.31, 3109.32, 3109.33, 3109.34, 3109.35, and 3109.36 1859
of the Revised Code are hereby repealed. 1860